

## Remarks

### For the Claims:

Applicant submitted claims 1-34 when the application was filed. A first Office Action, dated 12 March 2007 rejected claims 8-13, 21-23, and 25-34 and objected to claims 1-7, 14-20, and 24. In an Amendment, dated 15 May 2007, Applicant canceled claims 20-34, amended claims 1, 4, 8, and 14, and retained claims 2, 3, 5-7, 9-13, and 15-19 as previously submitted. Accordingly, claims 1-19 remained pending following submission of the 15 May 2007 Amendment. A second Office Action, dated 2 October 2007, rejected claims 1-9, 12-15, and 17-19 and objected to claims 10, 11, and 16 as being dependent upon a rejected base claim. In an Amendment, dated 29 October 2008, Applicant canceled claims 1-9, 12-13, and 15-16, amended claims 10, 11, and 14, and retained claims 17-19 as previously submitted. Accordingly, claims 10, 11, 14, and 17-19 remained pending following submission of the 19 October 2007 Amendment.

This Office Action now rejects claims 10, 11, 14, and 17-19. In response to this Office Action, this Amendment amends claims 10, 11 and 14, adds claim 35, and retains claims 17-19 as previously presented. Applicant respectfully requests reconsideration.

The Manual of Patent Examining Procedure (MPEP) provides significant guidance to Examiners for prosecuting patent applications. Particularly pertinent in this case, the MPEP, §707.07(g), states that "Piecemeal examination should be avoided as much as possible. The examiner ordinarily should reject each claim on all valid grounds available, avoiding, however, undue multiplication of references."

Accordingly, a first Office Action on the merits should ordinarily identify every issue that stands between Applicant and allowance of the application. This provides Applicant with the opportunity to respond to each issue so that if each issue is successfully rebutted or otherwise addressed, the application would be in a condition for allowance. The first Office Action in this case rejected some claims and objected to the remaining claims. The first Office Action indicated that the objected to claims would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Applicant responded to the first Office Action by providing an Amendment that canceled the rejected subject matter and retained the objected to subject matter. Thus, prosecution of this application should have ended with a subsequent Notice of Allowance. Instead, another search was conducted and additional prior art was cited. The second Office Action in this case rejected some claims that were previously objected to, and objected to the remaining claims in view of the additionally cited prior art. Applicant responded to the second Office Action by providing a second Amendment that again canceled the rejected subject matter and retained the objected to subject matter. Thus, prosecution of this application should again have ended with a subsequent Notice of Allowance. Instead, yet another search was conducted and additional prior art was cited. This third Office Action now rejects all remaining claims in view of the additionally cited prior art.

The prosecution history in this case reflects a failure to identify every issue in prior Office Actions, therefore failing to allow Applicant an opportunity to respond to each issue in an efficient manner. This has led to an impression that an attempt

is being made to dissuade Applicant from obtaining a patent by creating new rejections through piecemeal and protracted examination. Unfortunately, such a situation is counter to the purpose of promoting innovation and invention disclosure through a patent grant. Applicant respectfully requests that further conduct in this manner be avoided and that the guidelines of MPEP §707.07(g) be followed.

This Office Action objected to claim 14 because an inadvertent typographical error exists within line 9. Applicant amends claim 14 in accordance with the Examiner's suggestion to delete the phrase "to form a second liquid." Thus, the objection to claim 14 due to an informality is overcome.

This Office Action rejects claims 14, 17, and 18 under 35 U.S.C. §102(b) as being anticipated by Anderson et al., U.S. Publication Number 2002/0182485 (hereinafter Anderson). Anderson discloses power sources for iontophoretic drug delivery systems.

Independent claim 14 includes the features of applying first and second fluids to a face of a pliable dressing material, fixing an absorbent cloth layer to a back of the pliable dressing material, and bonding an elastic adhesive layer to the absorbent cloth layer such that there is at least one overlapping piece of the elastic adhesive layer for securing the pliable dressing material over an area of damaged tissue.

Anderson fails to teach the methodology of claim 14 and its resulting structure. In particular, and without acquiescing the propriety of the remaining Office Action allegations, Anderson fails to teach the claimed feature of fixing an absorbent cloth layer to a back of the pliable dressing material (which has the

first and second fluids applied to its face), and bonding an elastic adhesive layer to the absorbent cloth layer.

Referring to Anderson at page 4, paragraph [0043], and FIG. 9, the Office Action indicates that an element 94 is equivalent to the claimed pliable dressing material, and a figure-eight-shaped foam barrier 98 forms an absorbent cloth layer. It should be noted that both the foam barrier 98 and the Anderson power source 96, having electrodes 102 and 104 (corresponding to Applicant's claimed first and second fluids as alleged in the Office Action) are both applied to the same side of the element 94. Accordingly, if the assumption is made that element 94 is a pliable dressing material and the foam barrier 98 is an absorbent cloth layer, as alleged in the Office Action, it is clear that Anderson does not teach of applying first and second fluids to a face of the pliable dressing material 94 and fixing an absorbent cloth layer to a back of the pliable dressing material 94, as recited in claim 14. Since Anderson fails to teach of fixing an absorbent cloth layer to a back of the pliable dressing material, it follows that Anderson does not teach of bonding the elastic adhesive layer (i.e., flexible backing layer 90 having an adhesive inner surface 92) to the alleged absorbent cloth layer (i.e., the Anderson foam barrier 98). As clearly illustrated in FIG. 9 of the Anderson reference, both the power source 96, having electrodes 102 and 104, and the foam barrier 98 are located on a common side of the element 98. As stated in W.L. Gore & Associates v. Garlock Inc., 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984):

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration.

Anderson does not anticipate Applicant's invention of claim 14 because Anderson does not teach the fixing and bonding

operations of claim 14. As such, the rejection of independent claim 14 under 35 U.S.C. §102(a) was improper.

Nor is it obvious to modify the Anderson wearable iontophoretic drug delivery patch to more closely resemble the subject matter of independent claim 14. As stated in In re Gordon et al., 221 USPQ 1125 at 1127 (Fed. Cir. 1984) and repeated in In re Laskowski, 10 USPQ 1397 at 1398 (Fed. Cir. 1989):

The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.

As further stated in National Tractor Pullers Assn., Inc. v. Watkins, 205 USPQ, 892 at 911 (D.C., N.D. Ill., E. Div. 1980):

A modification to a prior art patent or device that would render that device unworkable for its intended purposes cannot be said to suggest such a modification.

Accordingly, the proper evaluation for determining patentability is to consider whether the prior art suggests the desirability of modifications which make the prior art device more closely resemble Applicant's claimed fixing and bonding operations in which an absorbent cloth layer is fixed to the back of the pliable dressing material and an adhesive layer is bonded to the absorbent cloth layer. Moreover, this suggestion must be found in the prior art and not Applicant's specification.

Applicant teaches at page 6, paragraph [0010], that the first and second fluids are applied to the face of the pliable surface so that the first and second fluids (functioning as electrodes) will come into direct contact with the skin, e.g., an area of damaged tissue. Applicant further teaches that this direct contact allows the first and second elements of the corresponding

first and second fluids to be introduced directly onto the tissue surface.

In one example, when the first element is silver powder (claim 17, depending from claim 14), this direct contact facilitates the introduction of silver powder onto, for example, an area of damaged tissue, to promote healing by direct suppression of local micro-organisms normally colonizing the wound (page 11, paragraph [0020]). Likewise, when the second element is zinc powder (claim 17), this direct contact facilitates the introduction of zinc into the area of damaged tissue to promote and accelerate the functional activity of the enzymes resulting in better, more efficient wound healing (page 13, paragraph [0022]).

Applicant further teaches that it is important to wound healing that an area of damaged tissue should be kept moist to facilitate healing, but excessive moisture causes damaged tissue to swell and creates an ideal environment for the growth of bacteria and microbes (page 14, paragraph [0025]). Excess moisture can be drawn out of a wound by being absorbed into an absorbent cloth layer. An absorbent cloth layer located on the back of the pliable dressing with the first and second fluids being located on the face of the pliable dressing enables the excess moisture to be wicked off of the top of the wound surface without promoting drying of the damaged tissue.

In contrast, Anderson expressly teaches of a flexible backing layer 90 to which the impermeable barrier shape 94 is adhered. The power source 96, having electrodes 102 and 104, couples to a face of the barrier shape 94. Next, foam barrier 98 also couples to the face of the barrier shape 94 and surrounds the electrodes 102 and 104 of the power source 96. An intended purpose of the foam barrier 98 is to hold a pair of absorbent pads 100, in the

form of hydrophilic absorbent layers, that cover the electrodes 102 and 104 (page 4, paragraph [0043]). An intended purpose of the absorbent pads 100 covering the electrodes 102 and 104 is to retain electrolyte fluid in contact with the electrodes 102 and 104 of the power source 96. Another intended purpose of absorbent pads 100 covering the electrodes 102 and 104 is to contact the skin of the patient when the Anderson device is in use (page 4, paragraph [0043]). Accordingly, Anderson requires foam barrier 98 and absorbent pads 100 on a face of impermeable barrier shape 94 in order to provide an electrolytic fluid path for an aqueous solution between the electrodes 102 and 104 and the patient's skin.

If the Anderson structure was modified in accordance with the method recited in independent claim 14, the Anderson structure would be rendered unworkable for Anderson's intended purposes. That is, if the figure-eight-shaped foam barrier 98 and, consequently, the absorbent pads 100 were fixed to a back of the impermeable barrier shape 94, they would not provide an aqueous solution, such as a salt solution, between electrodes 102 and 104 (page 4, paragraph [0043]) or between oxidizable and reducible species zones 114 and 115 (page 4, paragraph [0044]) and the patient's skin. Indeed, it would make little sense to fix the figure-eight-shaped foam barrier 98 and the absorbent pads 100 (or any other absorbent cloth layer) to the back of the barrier shape 94 and bond the Anderson flexible backing layer 90 to the foam barrier 98 because the barrier shape 94 is impermeable. Alternatively, the mere addition of an absorbent cloth layer to the back of the barrier shape 94 would result in additional complexity of the Anderson structure with no enhanced function again due to the impermeability of barrier shape 94.

It is only Applicant who teaches the desirability of applying first and second fluids to a face of a pliable dressing material,

fixing an absorbent cloth layer to a back of the pliable dressing material, and bonding an elastic adhesive layer to the absorbent cloth layer, as recited in independent claim 14. That is, the Anderson teaching of assembly of a wearable iontophoretic patch device is not a teaching or a suggestion of the subject matter of claim 14. Moreover, a modification to the Anderson structure to more closely resemble Applicant's invention of claim 14 would render Anderson unworkable for its intended purposes. Consequently, Anderson cannot suggest the desirability of such a modification.

For the reasons set forth above, the invention of independent claim 14 is neither anticipated by nor rendered obvious in view of Anderson. Consequently, independent claim 14 is believed to be allowable over the cited prior art. Claims 17 and 18 depend from claim 14 and are believed allowable by reason of dependency.

Independent claim 10 was rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson. Claim 10 is being amended to more clearly point out Applicant's invention. In particular, claim 10 is being amended to remove the subject matter of a fine line of one of the first or second inks printed at least partially in the spacing and connecting to at least one of the first or second designs. However, the dimensional limitations remain in claim 10. These dimensional limitations include selective ones of the at least one dot of the first design having approximately a  $1.5\text{ mm} \pm 1\text{ mm}$  mean diameter, selective ones of the at least one other dot of the second design having approximately a  $2.5\text{ mm} \pm 2\text{ mm}$  mean diameter, and a spacing between the first and second designs of approximately  $1.5\text{ mm} \pm 1\text{ mm}$ .

The Office Action alleges that it would have been obvious to make the dots and spacing the sizes specified in claim 10 because



"discovering the optimum or workable range involves only routine skill in the art." The MPEP provides further guidance to Examiners for assessing the obviousness of ranges. Regarding this case, the MPEP, § 2144.05, discusses treatment of the optimization of ranges. A portion of the MPEP § 2144.05, section II is reproduced below for the Examiner's convenience:

**B. Only Result-Effective Variables Can Be Optimized**

A particular parameter must first be recognized as a result-effective variable, i.e., a variable which achieves a recognized result, before the determination of the optimum or workable ranges of said variable might be characterized as routine experimentation. *In re Antonie*, 559 F.2d 618, 195 USPQ 6 (CCPA 1977) (The claimed wastewater treatment device had a tank volume to contractor area of 0.12 gal./sq. ft. The prior art did not recognize that treatment capacity is a function of the tank volume to contractor ratio, and therefore the parameter optimized was not recognized in the art to be a result-effective variable.).

Applicant's apparatus of claim 10 includes selective ones of the at least one dot of the first design having approximately a  $1.5 \text{ mm} \pm 1 \text{ mm}$  mean diameter, selective ones of the at least one other dot of the second design having approximately a  $2.5 \text{ mm} \pm 2 \text{ mm}$  mean diameter, and a spacing between the first and second designs of approximately  $1.5 \text{ mm} \pm 1 \text{ mm}$ . With particular regard to the spacing, Applicant teaches in paragraph [0040] that at a spacing of about 1 mm between the closest dissimilar metals, each voltaic cell that is in wound fluid will create approximately one volt of potential that will penetrate substantially through the dermis and epidermis. Applicant has discovered that a closer spacing of the dots will decrease the resistance, provide less potential, and the current will not penetrate as deeply. Applicant further teaches that if the spacing falls below about one tenth of a millimeter, the only realized benefit of the spontaneous reaction is that which is also present with a direct reaction, i.e.,

silver is electrically driven into the wound, but the current of injury is not simulated. Thus, the claim limitation of a spacing of  $1.5\text{ mm} \pm 1\text{ mm}$  yields the desired and critical result of adequate penetration of current through the dermis and epidermis. Accordingly, at least the spacing is a result-effective variable, and Applicant has discovered its optimal range.

In contrast, the prior art is silent as to any teaching or suggestion of the spacing between dots, hexagons, and the like. Anderson mentions a  $100\text{ mm}^2$  electrode and removing  $7.4\text{ mm}^2$  of each of the reducible and oxidizable electrodes to achieve a desired capacity at paragraph [0038]. Axelgaard mentions a grid of conductive ink spots with no teaching or suggestion of dimensional ranges for spacing and/or spot size. Frei mentions hexagonal electrodes with sides of 1 cm in length. However, Frei provides no teaching or suggestion of a particular range for spacing between the hexagonal electrodes. Nor do the other cited references discuss dimensions or any spacing.

It is only Applicant, and not the prior art, that recognizes the spacing as a result-effective variable. Furthermore, it is only Applicant who teaches and claims dimensional ranges for dots, and more particularly, a dimensional range for the spacing between the dots. The prior art fails to recognize the spacing as a result-effective variable because the prior art fails to provide a teaching or suggestion of any dimensional range of the spacing between electrodes, dots, hexagonal electrodes and the like. Consequently, it cannot be said that finding the optimum or workable range of that variable would be characterized as routine experimentation. That is, given the teachings of the prior art, one would not optimize the spacing to the range claimed by Applicant to achieve Applicant's desired results without first having read Applicant's disclosure. Of course,

utilizing subject matter which is taught only by the Applicant against its teacher amounts to the prohibited use of hindsight.

For the reasons set forth above, Applicant believes that discovering the optimum or workable range of the dimensional limitations of claim 10 would not have been obvious to one skilled in the art. Accordingly, Applicant respectfully challenges the Examiner to: 1) find prior art that properly teaches the dimensional limitations of dots and spacing as recited in claim 10, 2) provide an affidavit as set forth by 37 CFR 1.107(b) disclosing matters within the Examiner's personal knowledge, or 3 allow Applicant's claim 10.

Newly added claim 35 depends from claim 14. Thus, claim 35 is believed allowable for the reasons set forth in connection with claim 14. In addition, claim 35 includes the dimensional limitations also recited in independent claim 10. Thus, new claim 35 is also believed to be allowable for the reasons set forth in connection with claim 10. Accordingly, Applicant respectfully repeats the challenge to the Examiner regarding the dimensional limitations of claim 35 as discussed above in connection with claim 10.

Claim 19 was rejected under 35 U.S.C. §103(a) as being unpatentable over Anderson in view of Siuta, U.S. Patent No. 4,540,604. Claim 19 depends from claim 17, which depends from independent claim 14. Thus, claim 19 is believed allowable by reason of dependency.

Independent claim 11 is rejected under 35 U.S.C. §103(a) as being unpatentable over Axelgaard, U.S. Patent No. 6,038,485, in view of Carrier et al., U.S. Patent No. 5,352,315 (hereinafter Carrier), and in view of Frei et al., U.S. Patent No. 5,143,079 (hereinafter Frei).

Axelgaard teaches of a transcutaneous medical electrode that includes a highly conductive grid of ink spots 106 each of which is interconnected with a lead 108. The leads 108 enable selective electrification of at least one conductive ink spot 106 by a stimulator and control device 116 (col. 6, lines 17-30). Carrier teaches of biomedical electrode having a non-conductive backing layer with instructions printed on one surface and an ink layer printed on another surface (Abstract). The ink layer may be either a) an ink comprising a galvanic metal and a conductive salt, or b) a homogenous blend of a first ink comprising silver and silver salt and a second ink comprising an inert carbon based material (col. 4, lines 4-14). Frei teaches of an apparatus for the detection of tumors in living human breast tissue (Abstract). The Frei apparatus includes a multielement probe for use in the apparatus (col. 3, lines 55-63). The Frei probe includes a plurality of plane hexagonal electrodes in a closely spaced geometric pattern with each of the electrodes being connected with suitable circuitry. The Frei hexagonal electrodes are arranged in consecutive rows, where the hexagonal elements in any consecutive row are displaced relative to the hexagonal elements of the preceding row.

The Office Action alleges that Axelgaard discloses the essential features of the claimed invention except that the mean diameter of the spots/dots of the first and second designs are not specified nor is the amount of spacing specified between each design. The Office Action further alleges on page 7 that the mean diameters of the spots/dots of the first design and second designs, and spacing between designs, are obvious because discovering the optimum or workable ranges involves only routine skill in the art. Independent claim 11 is being amended to remove dimensional ranges for the dots of the first design, the dots of the second design, and the spacing in order to more

clearly express Applicant's invention. No other modifications to claim 11 are being made.

The Office Action further alleges that Axelgaard specifies that it may be desirable for some ink spots to have "varied conductivity" and that it would have been obvious to vary/alternate the ink blend and/or the ink thickness and pattern of the spots as evidenced by Carrier in order to tailor current through the surface pattern. The Office Action acknowledges that the modified Axelgaard (presumably modified in view of the Carrier teaching) does not specify that multiple repetitions of the first design and the second design result in at least one pattern characterized by the first design being surrounded by six hexagonally shaped dots of the second design. The Office Action alleges that Frei teaches the claimed hexagonal pattern for an electrode array. The Office Action concludes that it would have been obvious to modify the apparatus 100 of Axelgaard in view of Carrier and Frei such that multiple repetitions of the first design and the second design result in at least one pattern characterized by the first design being surrounded by six hexagonally shaped dots of the second design, as recited in claim 11.

Applicant, without necessarily acquiescing in the propriety of the combination of these references in the first place, respectfully asserts that certain claim language was ignored which lead to an improper obviousness rejection in the Office Action. Consequently, even if the teachings of Axelgaard, Carrier, and Frei were somehow combined, the resulting combination would fail to produce the claimed invention when all of the claim language is fully considered. The resulting combination would fail to produce the claimed invention because the cited prior art fails to teach or suggest all of the claimed features. Well-established patent practice dictates that a

combination of prior art references cannot render obvious that which none of the prior art teaches or suggests. As stated in In re Wood, 202 USPQ 171, 174, (C.C.P.A. 1979):

The test for obviousness is not whether the features of one reference may be bodily incorporated into another reference....Rather, we look to see whether combined teachings render the claimed subject matter obvious.

Accordingly, the proper evaluation for determining patentability is to consider whether combined teachings render the claimed subject matter obvious. Claim 11 does not include language describing a first design including at least one dot and a second design including at least two dots that have "varied conductivity." Rather, claim 11 more specifically recites the first design being formed from a first ink that includes a first element, the first element including a metal species, and the second design being formed from a second ink that includes a second element, the second element including a different metal species than the first element. The feature of the differing metal species in the first and second inks is not arbitrary, but is a critical limitation of the invention that yields a desired therapeutic result.

One example was described above in connection with the rejection of claim 14. In that example, one metal species may be silver for promoting healing by direct suppression of local micro-organisms normally colonizing the wound (page 11, paragraph [0020]) and a different metal species may be zinc for promoting and facilitating the functional activity of the enzymes resulting in better, more efficient wound healing (page 13, paragraph [0022]). Furthermore, the different metal species, e.g., silver and zinc, result in a spontaneous oxidation-reduction reaction that can promote wound healing. Accordingly, it is improper to trivialize and/or ignore these claim limitations.

Neither Axelgaard nor Carrier teach or suggest a first design being formed from a first ink that includes a first element, the first element including a metal species and the second design being formed from a second ink that includes a second element, the second element including a different metal species than the first element. Rather, Axelgaard merely mentions that conductive lines may be formed from any suitable blend of inks including carbon and metals, such as silver or copper (col. 4, lines 36-38), and Carrier teaches of various electrode designs that may be formed from a homogenous blend of a first ink (silver and silver salt) and second ink (carbon based material).

The language of claim 11 distinctly articulates that the first design of at least one dot does not physically contact the second design of dots. It is not proper to read into the prior art a teaching or suggestion of the different metal species in the first and second inks of the physically separate first and second designs from generalized disclosure of "varied conductivity," a suitable blend of inks, and/or varying ink thickness and pattern. Such an assertion can only have been made through hindsight, speculation, and unfounded assumptions. A significant body of case law underscores the position that it is improper to resort to hindsight, speculation, and unfounded assumptions to support a holding of unpatentability, examples of which are set forth below.

As stated in W.L. Gore & Associates, Inc. v. Garlock, Inc., 220 USPQ 303, 312-13 (Fed. Cir. 1983), cert denied, 469 U.S. 851 (1984):

To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a

hindsight syndrome wherein that which only the inventor taught is used against its teacher.

As further stated in In re GPAC Inc., 57 F.3d 1573, 35 U.S.P.Q.2d 1116, 1123 (Fed. Cir. 1995):

"[The Board] may not...resort to speculation, unfounded assumptions or hindsight reconstruction to supply deficiencies in its factual basis."

In addition, as stated in Ex parte Wolters and Kuypers, U.S.P.Q. 735, 737 (PTO Bd. App. 1979):

An Examiner's burden of supporting his holding of unpatentability is not met by "assuming" the presence of a component that is missing from applied art.

It cannot be inferred from the generalized disclosure found in Axelgaard and Carrier (e.g., "varied conductivity," a blend of inks, and/or varying ink thickness and pattern), the requisite teaching or suggestion of the first design being formed from a first ink that includes a first element, the first element including a metal species, and the second design being formed from a second ink that includes a second element, the second element including a different metal species than the first element, as recited in claim 11. Rather, it is through hindsight gained by understanding Applicant's specification and claims that one would arrive at the physically separate first and second designs that include different metal species, as recited in claim 11. Said another way, to assume that generalized teachings of "varied conductivity", a blend of inks, and/or varying ink thickness and pattern, somehow provides a teaching or suggestion of the dissimilar metal species of the physically separate first and second designs, as recited in claim 11, is a misrepresentation of what the prior art fairly teaches or suggests. To assume otherwise amounts to speculation and



unfounded assumptions since neither Axelgaard nor Carrier provide any such teaching or suggestion. Of course, it is improper to resort to hindsight, speculation, and unfounded assumptions to support a holding of unpatentability.

It should be noted that although Frei teaches of hexagonal shaped electrodes for a probe, Frei is silent as to the use of dissimilar metal species in the various electrodes. Thus, a hypothetical combination of Axelgaard, Carrier, and Frei fails to teach or suggest the claimed features of the first design being formed from a first ink that includes a first element, the first element including a metal species and the second design being formed from a second ink that includes a second element, the second element including a different metal species than the first element. For the reasons set forth above, the rejection of independent claim 11 as being unpatentable over a combination of Axelgaard, Carrier, and Frei was improper. Applicant therefore believes independent claim 11 to be allowable.

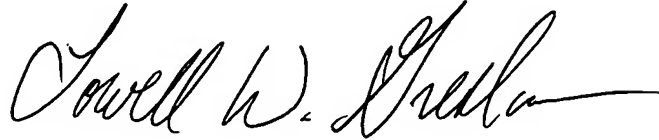
Accordingly, this Amendment amends claims 10, 11, and 14 and adds claim 35. Currently amended claims 10, 11, and 14 remain in the application and are believed to be allowable. In addition, claims 17-19 remain in the application as previously submitted and are believed to be allowable. Furthermore, newly added claim 35 is believed to be allowable.

Applicant believes that the foregoing amendments and remarks are fully responsive to the rejections and/or objections recited in the 12 February 2008 Office Action and that the present application is now in a condition for allowance. Accordingly,

THIRD AMENDMENT  
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reconsideration of the present application is respectfully  
requested.

Respectfully submitted,

A handwritten signature in black ink, reading "Lowell W. Gresham", written over a horizontal line.

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